

## **REMARKS/ARGUMENT**

### **Regarding the Claims in General:**

Claims 1-12 and 21 remain pending. Claim 1 has been amended to address issues raised in the outstanding Office Action. The other claims remain unchanged. No new matter has been introduced.

### **Regarding the Prior Art Rejections:**

In the outstanding Office Action, claims 1 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art shown in Fig. 1 of this application (AAPA) in view of Price et al. U.S. Patent 2,657,926 (Price), and alternatively, as being unpatentable over AAPA in view of Price and further in view of Oakes U. S. Patent 5,079,980 (Oakes) or as being unpatentable over Price in view of Oakes without reference to the AAPA. In addition, dependent claims 2-12 are rejected as being unpatentable over AAPA in view of Price and Oakes (or Price in view of Oakes alone) in combination with several other secondary references. Applicants respectfully request reconsideration of these rejections in view of the amendments herein.

Preliminarily, it seems curious that the Examiner would choose to give three separate rejections of claims 1 and 21 based on combinations of the three principal references, AAPA, Price and Oakes. Multiple rejections are permitted by the M.P.E.P. (See §§707.07(g), 904.03) but Examiners are also cautioned that:

Multiplying references, any one of which is as good as, but no better than, the others, adds to the burden and cost of prosecution and should therefore be avoided.

Here, if AAPA in view of Price is a legitimate basis for rejection, why also reject over AAPA in view of Prince *and* Oakes? Or, for that matter, if Price in view of Oakes is a legitimate basis for rejection, why introduce AAPA at all?

Applicants respectfully suggest that these alternative rejections reflect the Examiner's doubts as to the validity of all of them. Applicants respectfully submit that such doubts would be well founded, even as to claim 1 in its previous form. Nevertheless, claim 1 has been reworded somewhat to present an important distinction over all three references more clearly. No new elements have been added, but perhaps the expanded description of the film holder will provide helpful emphasis.

As amended, claim 1 is now explicitly directed to a combination of a linear feeding device for the film, a trimming device, and a film holder. As to the film holder, the claim now recites that it is:

... operable between a first position wherein a gap is provided for the film to pass through during feeding to the trimming device, and a second position wherein the gap is closed so that the film is clamped by the film holder along a line extending transversely of the film feed direction and along which the film is severed by the trimming device

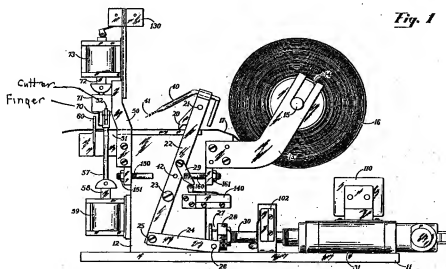
This feature is not found in the AAPA, in Price, or in Oakes. With respect to AAPA, there is no film holder at all, only a fixed platform 108 on which film 104 rests as movable platform 110 moves up to make a cut. Element 112, referred to as a film support, does not cooperate with platform 108 to clamp the film during cutting. As stated at page 4, lines 7-14, there is a tolerance gap 114 *maintained* between platform 108 and film support 112 to allow the film to move. There is no disclosure, teaching or suggestion to close this gap during cutting.

Nor is this feature found in Price. The element in Price most closely corresponding to the claimed film holder is finger 70. This obviously provides only support at a single point, and there is no other disclosure, teaching or suggestion in Price to provide clamping *along the length* of a transverse line on which it is being cut. In fact, from Fig. 1 of Price, a fragment of which is reproduced below, with finger 70 downstream of knife 52, it is clear that the film is not even clamped *at* the cutting line, much less, along its length.

Nov. 3, 1953

T. R. PRICE ET AL  
TAPE DISPENSER

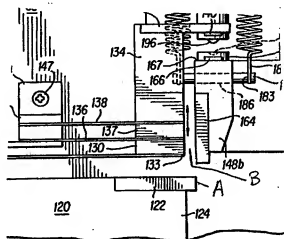
2,657,926



Finally, Oakes also fails to disclose, teach, or suggest a film holder which clamps the film along the length of a cutting line. As may clearly be seen in the fragment of Fig. 4 of this reference reproduced below, the cutting action takes place along the edge of blade 122 (labeled A below) as scissors cutter 126 moves down. The tape is not, however, clamped along the length of the cutting line.

**United States Patent** [39]  
Oakes et al.

[11] Patent Number: 5,079,980  
[45] Date of Patent: Jan. 14, 1992



As described at Col. 5, lines 48-58:

[t]he downstream end 133 of the label spring functions as a tap brake upon downward displacement of the label spring and its associated hardware, described below, to prevent passage of the tape 24 between the brake and the downstream end of the base 120.

Thus, there is a gap (labeled B below) between the clamping line and the cutting line.

From the foregoing, it may readily be seen that even if teachings are extracted from the three principal references, and combined, none of these remedy the failure of each of them to disclose, teach, or suggest clamping the film along the length of the cutting line. Accordingly, all of the rejections of claim 1 are invalid, and the claim should be allowed. Claim 21 should also be allowed for the same reasons.

Claims 2-12 are directly or indirectly dependent on allowable claim 8, and are therefore also allowable for the reasons stated above. In addition, these claim recite features which, in combination with the features of their respective parent claims are neither taught nor suggested in Kropf, Price, Oakes, or in any of the other secondary references.

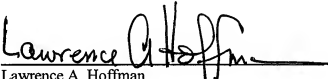
Although this communication is being submitted after final rejection, it is respectfully submitted that the amendments to claim 1 raise no new issues, and should be entered, either to make the application allowable or to place it in better condition for appeal. The only substantive changes in claim 1 are to more clearly emphasize the construction and function of the film holder. This element was not only in claim 1 previously, but both the structure and function were also previously recited, though in somewhat less precise terms. Since the Examiner must already have considered precisely this limitation, and presumably extended his search to cover it, there are no new issues to consider, no new search to be made, and only an updating of previously considered prior art. Entry of the Amendment is therefore entirely proper and should be permitted.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

Respectfully submitted,

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